

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| |
|------------------|
| 1999 08 SEP 1999 |
| WIPO PCT |

| | | |
|--|--|--|
| Applicant's or agent's file reference FP9665 | FOR FURTHER ACTION | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416). |
| International application No. PCT/AU 98/00326 | International filing date <i>(day/month/year)</i> 06 May 1998 | Priority Date <i>(day/month/year)</i> 06 May 1997 |
| International Patent Classification (IPC) or national classification and IPC Int. Cl.⁶ C03C 25/02 | | |
| Applicant UNISEARCH LIMITED et al. | | |

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|---|-------------------------------------|---------------------|----|--------------------------|----------|-----|--------------------------|--|----|-------------------------------------|----------------------------|---|-------------------------------------|---|----|--------------------------|-------------------------|-----|--------------------------|--|------|--------------------------|---|
| 1. | This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. | This REPORT consists of a total of 4 sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of 1 sheet(s). | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. This report contains indications relating to the following items: | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">I</td> <td style="width: 5%; text-align: center;"><input checked="" type="checkbox"/></td> <td>Basis of the report</td> </tr> <tr> <td style="text-align: center;">II</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Priority</td> </tr> <tr> <td style="text-align: center;">III</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;">IV</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;">V</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;">VI</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;">VII</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;">VIII</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Certain observations on the international application</td> </tr> </table> | I | <input checked="" type="checkbox"/> | Basis of the report | II | <input type="checkbox"/> | Priority | III | <input type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | IV | <input checked="" type="checkbox"/> | Lack of unity of invention | V | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | VI | <input type="checkbox"/> | Certain documents cited | VII | <input type="checkbox"/> | Certain defects in the international application | VIII | <input type="checkbox"/> | Certain observations on the international application |
| I | <input checked="" type="checkbox"/> | Basis of the report | | | | | | | | | | | | | | | | | | | | | | | |
| II | <input type="checkbox"/> | Priority | | | | | | | | | | | | | | | | | | | | | | | |
| III | <input type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | | | | | | |
| IV | <input checked="" type="checkbox"/> | Lack of unity of invention | | | | | | | | | | | | | | | | | | | | | | | |
| V | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | | |
| VI | <input type="checkbox"/> | Certain documents cited | | | | | | | | | | | | | | | | | | | | | | | |
| VII | <input type="checkbox"/> | Certain defects in the international application | | | | | | | | | | | | | | | | | | | | | | | |
| VIII | <input type="checkbox"/> | Certain observations on the international application | | | | | | | | | | | | | | | | | | | | | | | |

| | |
|---|---|
| Date of submission of the demand 27 October 1998 | Date of completion of the report 25 August 1999 |
| Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200 WODEN ACT 2606 AUSTRALIA Facsimile No. (02) 6285 3929 | Authorized Officer JOHN DEUIS Telephone No. (02) 6283 2146 |

I. Basis of the report**1. With regard to the elements of the international application:***

- ☐ the international application as originally filed.
- ☒ the description, pages 1-12, as originally filed,
pages , filed with the demand,
pages , filed with the letter of .
- ☒ the claims, pages 14, as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages 13, filed with the letter of 14 May 1999.
- ☒ the drawings, pages 1/8-8/8, as originally filed,
pages , filed with the demand,
pages , filed with the letter of .
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , filed with the letter of .

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, was on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☒ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

The International application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are two inventions:

1. Claims 1-12 are directed to a substantially continuous circumferential coating on a non-planar substrate utilising a substantially non-directional deposition technique and a substantially static substance deposition geometry to deposit the coating. The coating method is considered to be the first "special technical feature".

2. Claims 13-15 are directed to an acusto-optical phase modulator characterised by having a phase modulation efficiency range. The modulator is considered to be the second separate "special technical feature".

Since the above-mentioned groups of claims do not share either technical feature identified, a "technical relationship" between the inventions as defined in PCT rule 13.2 does not exist. Accordingly the International application does not relate to one invention as a single inventive concept.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. **1-12**

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | |
|-------------------------------|-------------|-----|
| Novelty (N) | Claims 1-12 | YES |
| | Claims | NO |
| Inventive step (IS) | Claims 1-12 | YES |
| | Claims | NO |
| Industrial applicability (IA) | Claims 1-12 | YES |
| | Claims | NO |

2. Citations and explanations (Rule 70.7)

None of the individual citations disclose all the essential features as claimed. Claims 1-12 are novel and involve an inventive step in that they characterise a method of manufacture of a substantially continuous circumferential coating on a non-planar substrate wherein, the steps of a substantially non directional gaseous desposition technique and a substantially static substrate deposition geometry are used to deposit the coating.

The closest art found was:

US 4 790 625 A (Biswas et al.) 13 December 1988

US 4 592 932 A (Biswas et al.) 3 June 1986